

# ***EXHIBIT 3***

***UNREDACTED VERSION  
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# ***EXHIBIT 3***

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA  
3 SAN FRANCISCO DIVISION  
4 Case No. 17-cv-00939-WHA

5 -----x  
6 WAYMO LLC,  
7 Plaintiff,  
8 - against -  
9 UBER TECHNOLOGIES, INC.; OTTOMOTTO, LLC;  
10 OTTO TRUCKING LLC,  
11 Defendants.  
12 -----x

13  
14 HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY  
15

16 Videotaped 30(b)(6) Deposition  
17 of GARY BROWN, taken by Defendants, held  
18 at the offices of Morrison & Foerster LLP,  
250 West 55th Street, at 9:59 a.m. on August  
19 8, 2017, New York, New York, before Jineen  
Pavesi, a Registered Professional Reporter,  
20 Registered Merit Reporter, Certified Realtime  
Reporter and Notary Public of the State of New York.  
21  
22  
23

24 Job No. 2671217A  
25 Pages 1 - 305

1           A.           Can you repeat the question.           10:48:25AM  
2           Q.           Was Waymo's investigation into   10:48:29AM  
3   Mr. Levandowski part of any broader           10:48:30AM  
4   investigation of other Chauffeur employees   10:48:33AM  
5   that included Mr. Radu Raduta and           10:48:35AM  
6   Mr. Sameer Kshirsagar?           10:48:40AM  
7                   MR. BAKER: Same instruction.   10:48:43AM  
8                   You can answer that yes or no.   10:48:44AM  
9           A.           Yes.           10:48:45AM  
10          Q.           You cannot testify today as to   10:48:47AM  
11   any other Waymo employees being part of   10:48:51AM  
12   the investigation, correct?           10:48:55AM  
13                   MR. BAKER: I am going to           10:48:58AM  
14   instruct the witness not to answer on           10:48:58AM  
15   grounds of attorney-client privilege and   10:49:00AM  
16   work product.           10:49:01AM  
17          Q.           Are you following your           10:49:04AM  
18   counsel's instruction?           10:49:05AM  
19          A.           I am.           10:49:06AM  
20          Q.           Who at Waymo has access to the   10:49:29AM  
21   SVN log in the ordinary course of           10:49:31AM  
22   business?           10:49:33AM  
23          A.           The administrator.           10:49:39AM  
24          Q.           And that administrator is           10:49:41AM  
25   Mr. Jack Brown?           10:49:43AM

1 A. That is correct. 10:49:45AM  
2 Q. Are there any other 10:49:45AM  
3 administrators? 10:49:46AM  
4 A. Not that I know of. 10:49:51AM  
5 Q. Has Mr. Brown been the 10:49:54AM  
6 administrator of the SVN log since January 10:49:56AM  
7 of 2015? 10:50:02AM  
8 A. I don't believe so. 10:50:05AM  
9 Q. Who has been the administrator 10:50:09AM  
10 of the SVN log from January 2015 forward, 10:50:10AM  
11 if not Mr. Brown? 10:50:14AM  
12 A. Sasha Zbrozek was the previous 10:50:20AM  
13 administrator. 10:50:22AM  
14 Q. And when was Sasha the 10:50:26AM  
15 administrator for the SVN log? 10:50:30AM  
16 A. I believe from the inception of 10:50:38AM  
17 the server in early 2015 through the 10:50:39AM  
18 summer, June or July, 2015 -- sorry, no, 10:50:46AM  
19 June, July 2016. 10:50:55AM  
20 Q. And after June or July of 2016, 10:51:00AM  
21 Mr. Jack Brown took on responsibilities 10:51:03AM  
22 for administering the SVN log, is that 10:51:06AM  
23 correct? 10:51:10AM  
24 A. That is correct. 10:51:10AM  
25 Q. You do not have access to the 10:51:22AM

1 SVN log in the ordinary course of 10:51:23AM  
2 business, is that correct? 10:51:25AM  
3 MR. BAKER: Objection to form. 10:51:29AM  
4 A. That is correct. 10:51:31AM  
5 Q. So as part of Waymo's 10:51:34AM  
6 investigation, someone gave you a copy of 10:51:35AM  
7 the SVN log, is that correct? 10:51:37AM  
8 A. That is correct. 10:51:41AM  
9 Q. And that person, the person who 10:51:44AM  
10 gave you a copy of the SVN log was 10:51:46AM  
11 Mr. Jack Brown, correct? 10:51:49AM  
12 A. No. 10:51:53AM  
13 Q. Who gave you a copy of the SVN 10:51:54AM  
14 log? 10:51:56AM  
15 MR. BAKER: I am going to 10:52:00AM  
16 caution the witness not to reveal the 10:52:00AM  
17 substance of any attorney-client 10:52:03AM  
18 communication, but you can give a name. 10:52:04AM  
19 A. Tom Gorman. 10:52:07AM  
20 Q. When did Mr. Gorman give you 10:52:08AM  
21 the SVN log? 10:52:10AM  
22 MR. BAKER: You can give a 10:52:11AM  
23 date. 10:52:12AM  
24 A. February 21st, 20th or 21st, 10:52:13AM  
25 2017. 10:52:25AM

1 February 23rd, 2017. 10:54:02AM

2 Q. So your analysis of other log 10:54:11AM

3 sources that corroborated the download 10:54:13AM

4 activity took place in 2016, correct? 10:54:16AM

5 A. And 2017. 10:54:20AM

6 Q. The analysis you did with 10:54:23AM

7 respect to corroborating the download 10:54:25AM

8 activity in 2016 was performed without a 10:54:28AM

9 copy of the SVN log, is that correct? 10:54:34AM

10 A. That is correct. 10:54:37AM

11 Q. Did somebody tell you that 10:54:40AM

12 Mr. Levandowski had downloaded files from 10:54:43AM

13 the SVN server in 2016? 10:54:46AM

14 MR. BAKER: You can answer that 10:54:50AM

15 yes or no. 10:54:51AM

16 A. Yes. 10:54:52AM

17 Q. Who told you that? 10:54:53AM

18 MR. BAKER: You can give a 10:55:00AM

19 name. 10:55:00AM

20 A. Tom Gorman. 10:55:01AM

21 Q. Do you know how Mr. Gorman knew 10:55:03AM

22 that Anthony Levandowski had downloaded 10:55:08AM

23 files? 10:55:10AM

24 MR. BAKER: You can answer that 10:55:14AM

25 yes or no. 10:55:14AM

1 Q. You also mentioned lock-down; 03:25:35PM  
2 what is that? 03:25:37PM  
3 A. Lock-down will prevent any 03:25:37PM  
4 unknown or any unapproved binaries from 03:25:44PM  
5 running on a system that is running in 03:25:49PM  
6 lock-down mode. 03:25:52PM  
7 Q. So if I have an executable that 03:25:54PM  
8 [REDACTED] doesn't recognize, it says it can't 03:25:58PM  
9 use it? 03:26:00PM  
10 A. Yes. 03:26:00PM  
11 Q. How do you get to be able to 03:26:01PM  
12 use it? 03:26:04PM  
13 A. I believe we have a social 03:26:06PM  
14 voting platform where, if multiple 03:26:08PM  
15 googlers can corroborate that this is a 03:26:11PM  
16 good binary, they will upvote it and then 03:26:15PM  
17 after a period of time it takes to sync to 03:26:18PM  
18 the back end, that binary will become 03:26:21PM  
19 approved. 03:26:23PM  
20 If an approved installer has 03:26:25PM  
21 dropped the binary, I believe it will also 03:26:28PM  
22 be allowed to execute. 03:26:31PM  
23 Q. What does that mean, drop the 03:26:36PM  
24 binary? 03:26:37PM  
25 A. Sometimes executables introduce 03:26:38PM

1 paragraph in Mr. Nardinelli's e-mail, he 04:07:47PM  
2 says that "On September 19, 2016, Waymo 04:07:53PM  
3 pulled SVN log data, which dated back to 04:07:57PM  
4 September 19, 2015, due to the 52-week 04:08:00PM  
5 retention in place." 04:08:04PM  
6 Do you see that? 04:08:06PM  
7 A. I do see that. 04:08:10PM  
8 Q. Are you aware of any 52-week 04:08:11PM  
9 retention for the SVN log data? 04:08:13PM  
10 A. I believe I said retention was 04:08:22PM  
11 set to a year and then that was suspended 04:08:23PM  
12 as of fall 2016, to my knowledge; I 04:08:27PM  
13 believe I said that earlier in this 04:08:29PM  
14 deposition, way earlier. 04:08:35PM  
15 Q. So I asked you all of the log 04:08:37PM  
16 data is available today and you said to my 04:08:39PM  
17 knowledge, yes; was that a correct or 04:08:41PM  
18 incorrect statement? 04:08:42PM  
19 A. I thought it was correct. 04:08:48PM  
20 Q. So do you believe it to be 04:08:49PM  
21 correct or do you believe Mr. Nardinelli's 04:08:50PM  
22 comment to be correct? 04:08:52PM  
23 MR. BAKER: Objection to form. 04:08:53PM  
24 A. Perhaps -- 04:09:01PM  
25 THE WITNESS: I have a privilege 04:09:08PM



1 question on this thing. 04:09:09PM  
2 MR. BAKER: Sure. 04:09:10PM  
3 THE VIDEO TECHNICIAN: Time is 04:09:12PM  
4 4:09 p.m. 04:09:13PM  
5 We're off the record. 04:09:13PM  
6 (Witness and counsel left the 04:09:15PM  
7 hearing room to confer.) 04:09:16PM  
8 (Pause.) 04:09:16PM  
9 (Witness and counsel returned 04:09:16PM  
10 to the hearing room.) 04:23:09PM  
11 THE VIDEO TECHNICIAN: Time is 04:23:09PM  
12 4:23 p.m. 04:23:27PM  
13 We are on the record. 04:23:28PM  
14 BY MR. CHATTERJEE: 04:23:29PM  
15 Q. I think the question pending 04:23:33PM  
16 was do you believe your prior testimony to 04:23:34PM  
17 be correct or do you believe 04:23:38PM  
18 Mr. Nardinelli's comment to be correct 04:23:39PM  
19 with respect to that first sentence of the 04:23:40PM  
20 third paragraph? 04:23:44PM  
21 A. I think I'm definitely 04:23:45PM  
22 deferring to what Mr. Nardinelli said; 04:23:49PM  
23 from my discussions with the Subversion 04:23:51PM  
24 server administrators, I was under the 04:23:59PM  
25 impression that -- when I gave that kind 04:24:01PM

1 of long sled of summer 2016, the logs were 04:24:05PM  
2 pulled and coupled with the one-year 04:24:13PM  
3 retention and my knowledge that the 04:24:14PM  
4 Subversion server had been launched, to my 04:24:17PM  
5 knowledge, I think in May or June or 04:24:19PM  
6 summer of 2015, in my mind it was like, 04:24:22PM  
7 oh, it goes back a year obviously to the 04:24:25PM  
8 start. 04:24:28PM

9 But I definitely defer to Jeff 04:24:32PM  
10 and I have never seen this document, but 04:24:34PM  
11 seeing that, if he says that indefinite 04:24:37PM  
12 retention was started in the early spring 04:24:43PM  
13 of 2017 and not the fall of 2016, I have 04:24:47PM  
14 to go with that as well, because these are 04:24:50PM  
15 hard dates. 04:24:53PM

16 I was providing like three, 04:24:54PM  
17 four month sleds. 04:24:56PM

18 Q. Have you done any investigation 04:24:58PM  
19 into the accuracy of Mr. Nardinelli's 04:25:00PM  
20 comments in this letter? 04:25:02PM

21 A. I have never seen this letter 04:25:08PM  
22 until you put it in front of me. 04:25:09PM

23 Q. Who would know whether the 04:25:10PM  
24 statements in Mr. Nardinelli's letter are 04:25:13PM  
25 accurate or not, other than 04:25:15PM

1 Do you see that? 04:26:18PM

2 A. I do. 04:26:19PM

3 Q. Do you understand that to mean 04:26:21PM

4 that all the other SVN log data, except 04:26:24PM

5 for Mr. Levandowski's download of December 04:26:30PM

6 11, 2015, is gone? 04:26:34PM

7 MR. BAKER: Objection to form. 04:26:38PM

8 A. That's a distinct possibility. 04:26:42PM

9 And if it is true, then I also 04:26:45PM

10 misspoke earlier when I said that the log 04:26:47PM

11 probably contained other people's things, 04:26:52PM

12 too. 04:26:55PM

13 Q. So if Mr. Nardinelli's 04:26:57PM

14 statement is correct, your testimony on 04:26:59PM

15 behalf of Waymo was inaccurate, correct? 04:27:01PM

16 A. It is possible. 04:27:04PM

17 MR. BAKER: Objection to form. 04:27:05PM

18 A. Also, as a professional log 04:27:09PM

19 diver, I'll call myself, when we're doing 04:27:13PM

20 investigations, we don't keep things that 04:27:17PM

21 are not deemed explicitly relevant for 04:27:24PM

22 what we are trying to prove. 04:27:26PM

23 It is bad data stewardship, it 04:27:31PM

24 takes up space, and it makes noise. 04:27:34PM

25 Q. What were you asked to prove 04:27:36PM

1 here? 04:27:38PM

2 MR. BAKER: Objection, I am 04:27:39PM

3 going to caution you not to reveal the 04:27:43PM

4 substance of any attorney-client 04:27:44PM

5 communications. 04:27:46PM

6 If you can answer that question 04:27:46PM

7 without doing that, please do. 04:27:48PM

8 A. I did not pull the SVN log 04:27:52PM

9 data, I'm just speaking to the frame of 04:27:55PM

10 mind of why the entirety of all users' 04:27:56PM

11 logs may not be present. 04:28:04PM

12 For example, in what I've 04:28:05PM

13 produced to support my declaration, I'm 04:28:07PM

14 not pulling and presenting the [REDACTED] logs 04:28:10PM

15 of any of a hundred thousand other Google 04:28:13PM

16 employees because it is simply not 04:28:16PM

17 relevant to the investigation at hand. 04:28:18PM

18 Q. That wasn't my question. 04:28:20PM

19 What were you being asked to 04:28:25PM

20 prove as part of your forensic 04:28:26PM

21 investigation? 04:28:27PM

22 MR. BAKER: Same instruction 04:28:27PM

23 and also objection to the form. 04:28:28PM

24 A. These logs showed that 14,000 04:28:33PM

25 files and change were downloaded on 04:28:36PM

1 MR. BAKER: Objection to form, 05:14:49PM  
2 counsel. 05:14:51PM  
3 A. Do you have anything that says 05:14:54PM  
4 that this didn't happen; the device was 05:14:55PM  
5 attached, it was attached for a period of 05:14:58PM  
6 eight hours. 05:15:00PM  
7 I did search for this device 05:15:01PM  
8 earlier in the logs and in my grep-ing I 05:15:02PM  
9 couldn't find any indication of having 05:15:07PM  
10 done so prior, that's anomalous. 05:15:09PM  
11 Q. You want to make sure you knew 05:15:13PM  
12 everything you possibly could about card 05:15:15PM  
13 readers in Chauffeur before this kind of 05:15:17PM  
14 an accusation was made, right? 05:15:19PM  
15 MR. BAKER: Objection to form. 05:15:22PM  
16 A. Nothing in my declaration is 05:15:23PM  
17 not factual. 05:15:25PM  
18 Q. Did you do any investigation as 05:15:27PM  
19 to whether card readers were used by 05:15:29PM  
20 Project Chauffeur? 05:15:31PM  
21 MR. BAKER: Objection to form. 05:15:33PM  
22 A. No. 05:15:34PM  
23 Q. Did you ever check to see if 05:15:35PM  
24 people in Chauffeur used digital cameras 05:15:39PM  
25 or video cameras or Go Pros as part of 05:15:42PM

1 their ordinary business? 05:15:45PM

2 MR. BAKER: Same objection. 05:15:48PM

3 A. What I did check was to see if 05:15:54PM

4 this was anomalous for this user and it 05:15:56PM

5 was anomalous for this user. 05:15:58PM

6 What another engineer somewhere 05:15:59PM

7 else in Chauffeur does, if they have a Go 05:16:00PM

8 Pro that they want to bring to work, 05:16:02PM

9 that's their business. 05:16:04PM

10 But the subject of my 05:16:04PM

11 investigation was Anthony Levandowski, I 05:16:06PM

12 wanted to check if this was anomalous for 05:16:12PM

13 Mr. Levandowski and it turns out it was. 05:16:14PM

14 Q. Did you look for any [REDACTED] log 05:16:18PM

15 data about card readers being attached to 05:16:20PM

16 the desktop? 05:16:22PM

17 A. The desktop was not the subject 05:16:27PM

18 of our investigation at that point. 05:16:29PM

19 Q. Wouldn't it be relevant to know 05:16:30PM

20 if his behavior was anomalous to know if 05:16:32PM

21 he ever connected a card reader to the 05:16:35PM

22 desktop? 05:16:37PM

23 MR. BAKER: Objection to form. 05:16:39PM

24 A. Not necessarily. 05:16:46PM

25 Q. Wouldn't his behavior on all of 05:16:46PM

1 his laptops be relevant when you're trying 05:16:49PM  
2 to make an assessment whether his behavior 05:16:52PM  
3 was usual or unusual? 05:16:54PM

4 MR. BAKER: Objection to form. 05:16:56PM

5 A. We had assessed behavior and we 05:16:58PM  
6 had a series of events in the month of 05:16:59PM  
7 December that were very much anomalous and 05:17:01PM  
8 this was just the cherry on top of more 05:17:03PM  
9 anomalous activity that seemed to suggest 05:17:07PM  
10 that ex-filtration was occurring. 05:17:12PM

11 Q. But you don't know that because 05:17:15PM  
12 you didn't look at the desktop, did you? 05:17:16PM

13 MR. BAKER: Objection to form. 05:17:17PM

14 A. The desktop isn't where all the 05:17:18PM  
15 activity was happening. 05:17:20PM

16 All this unusual activity was 05:17:21PM  
17 happening on the Windows machine and I do 05:17:23PM  
18 wish that we had been able to retain the 05:17:25PM  
19 Windows laptop for a top-to-bottom 05:17:28PM  
20 analysis, but unfortunately someone 05:17:30PM  
21 reimaged it before they left. 05:17:34PM

22 Q. So you have the [REDACTED] log data 05:17:35PM  
23 for that desktop, right? 05:17:38PM

24 A. Which desktop are we speaking 05:17:42PM  
25 of? 05:17:43PM

C E R T I F I C A T I O N

I, Jineen Pavesi, a Registered Professional Reporter, Registered Merit Reporter, Certified Realtime Reporter and a Notary Public, do hereby certify that the foregoing witness, GARY BROWN, was duly sworn on the date indicated, and that the foregoing is a true and accurate transcription of my stenographic notes.

I further certify that I am not employed by nor related to any party to this action.

A handwritten signature in black ink that reads "Jineen Pavesi, RPR, RMR". The signature is written in a cursive, flowing style.

JINEEN PAVESI, RPR, RMR, CRR